

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: WALLACH=25

In re Application of:)	Conf. No.: 7238
)	
David WALLACH et al.)	Art Unit: 1636
)	
Appln. No.: 09/671,687)	Examiner: C. X. Qian
)	
Filed: September 28, 2000)	Washington, D.C.
)	
For: INHIBITOR OF NF- κ B)	December 19, 2007
ACTIVATION)	

STATEMENT OF SUBSTANCE OF INTERVIEW

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

On November 19, 2007, applicant received an interview summary form relating to the interview of November 2, 2007. This was a telephonic interview between Supervisory Primary Examiner (SPE) Woitach and the undersigned attorney. Mr. Woitach was contacted by the undersigned as Examiner Qian was unavailable prior to the end of the 6 month period for response. SPE Woitach was informed that applicant had filed a response to the final rejection of May 4, 2007, on September 4, 2007. On October 24, 2007, an advisory action was issued by Examiner Qian stating that the proposed amendments would not be entered because they raised new issues that would require further consideration and/or search and they were not

deemed to place the application in better form for appeal. The examiner stated that the proposed amendment raises new 35 U.S.C. 112, second paragraph, issues that would require further consideration. The examiner stated that claim 2 now recites "a polypeptide of SEQ ID NO:3," while SEQ ID NO:3 is an amino acid sequence not a polypeptide molecule itself. The examiner also considered the recitation of "an isolated protein in accordance with claim 2, comprising a variant of the polypeptide of SEQ ID NO:3" to be unclear.

The undersigned attorney advised SPE Woitach that it appeared that all of the rejections of record had been overcome in the response and that the alleged new 35 U.S.C. 112, second paragraph, issues, noted by the examiner, were so minor that they could easily have been resolved by examiner's amendment.

SPE Woitach reviewed the official action and the response and stated that it was not clear whether or not the application was in condition for allowance as certain claims that had not been previously rejected might be subject to 35 U.S.C. 112, first paragraph, rejections. He stated that this would have to be discussed with Examiner Qian before a decision was made.

SPE Woitach stated that he agreed to reopen prosecution to make the history clear and that if simple matters were remaining that could be addressed with simple amendments, the attorney would be contacted. In the

interview, SPE Weitach explicitly assured the undersigned that the finality of the previous office action was withdrawn. In the Examiner Interview Summary Record of November 8, 2007, which was supplemented by the Examiner Interview Summary Record of November 19, 2007, SPE Weitach specifically stated:

Accordingly the finality of the previous office action is withdrawn.

In view of this interview, applicant is now awaiting a telephone conference with the examiner in order to agree on an examiner's amendment to put the case in condition for allowance or, alternatively, a new official action on the merits. In view of the formal withdrawal of the finality of the previous official action, the present application is still pending and is in the status of awaiting examination.

Respectfully submitted,

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